

PHILIP MORRIS, INC.
LAW DEPARTMENT MEMORANDUM
RICHMOND, VIRGINIA

To: Patent Group DATE: 7 February 1977
FROM: A. Palmer, Jr.
SUBJECT: NOTIFICATION PROCEDURE UPON FILING AND ALLOWANCE OF U. S. PATENT APPLICATIONS

The following procedures should be observed when U. S. Patent applications of Philip Morris are filed and allowed, using the forms attached hereto:

Form Entitled "Notification of First Filing of U. S. Patent Application"

This form is to be used when a U. S. application is filed which has no antecedent applications relied upon for an earlier filing date.

The "Notification Date" is the date when the notification is sent out within the company.

The "Target Date" should be set nine months after the U. S. filing date (with adjustment to the last preceding business day in case the date would otherwise fall on a non-business day).

The "Company Group" is the unit (such as the particular division of R & D, or another department or plant) where the applicant works. If there are joint applicants in more than one group, each of their groups should be listed. The purpose of including this information is to enable those notified to determine quickly whether or not someone in their jurisdiction is involved.

The list of those to be copied should include the names of the applicants, their bosses (i.e., for R & D, immediate supervisor and manager, as well as directors, and vice president), and the heads of any other operating units which might be expected to have an interest in the subject matter, even if the chances of such interest are only fair. If in doubt add a name. Patent liaison personnel should be included, particularly if they are in the group where the applicants are located.

Form Entitled "Notification of Refiling of U. S. Patent Application"

This form is to be used when any U. S. patent application is refiled as a continuation-in-part with any added disclosure of significance for purposes of claiming Convention priority.

No such notification should be sent out in the case of refiled applications which are essentially continuations or divisions.

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The explanation for omission of notification should be noted in the file, however briefly and informally (e.g., "No refile notification - continuation" on the usual status sheet).

If there is more than one earlier filing date, it is sufficient to give the earliest filing date. Intermediate filing dates may also be indicated if that should seem desirable in any particular situation.

"Company Group" and additional cc's should be filled in as stated above in connection with the first form.

The "Target Date" is to be set at nine months after the new filing date (with adjustment for nonbusiness days as noted in connection with the first form). The parenthetical statement about two filing dates at the end of the second paragraph should be deleted except in the unusual case where Convention priority can be claimed for more than one filing date. In the latter case the attorney will have to make a special determination of what Target Date should be specified, and do whatever else is reasonable.

Form Entitled "Notification of Allowance and Payment of Issue Fee on U. S. Patent Application"

This form is to be sent out as soon as possible after receipt from the U. S. Patent Office of a Notice of Allowance of a U. S. application. It is very important to do this promptly, because little time remains at this stage for consideration of any final recommendations before instructions should be issued to foreign file.

This notice should not be sent, however, if a patent has already issued on the subject matter, or it has otherwise become barred from foreign filing in most foreign countries. The explanation of such omission of notification should be noted in the file.

The "Target Date" should be set at two months after the date of the Notice of Allowance (with adjustment for nonbusiness days).

The Notification Date, Company Group and additional names to be copied should follow the instructions given above in connection with the first form.

Form Entitled "Notification of Prospective Allowance of U. S. Patent Application"

This form is to be sent out in all cases where a notice is received of closing of prosecution and prospective allowance of a U. S. application, if the application is such that a notification of receipt of a Notice of Allowance is to be sent out later. Such advance notice is desirable, since time for considering non-Convention filings is so short after the Notice of Allowance is received. The list of cc's is shortened, and the only names which are important to add are those of the applicants and the head of their group (such as research manager).

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